

## MEMORANDUM

TO: S.A.O. FILE

FROM: DENNIS SIEGEL  
Assistant State Attorney  
Sex Crimes/Child Abuse Unit

DATE: October 21, 2003

RE: Not-In-Custody  
Subject: Father Neil Doherty  
Victims: [REDACTED]

### \* Inter-Office Memorandum

On May 8, 2002, I met with attorneys for the Archdiocese of Miami concerning this Office's investigation into sexual abuse of children by the clergy. During that meeting, I was informed by the attorneys that, in 1994, the Archdiocese had received a complaint about Father Doherty from an attorney named Richard Roselli. The information that I received from the Archdiocese attorneys was very sketchy.

After repeated attempts to contact Mr. Roselli, I finally did so. Mr. Roselli advised me that in or about 1994, he handled a personal injury case concerning Father Doherty. Mr. Roselli told me that when he was a senior at Chaminade High School in Fort Lauderdale, he played football with an individual who was two or three grades behind him. He noted that the individual developed drug and other problems. The individual ran away from home a couple of times and ultimately moved to [REDACTED] live in the mountains.

In or about 1994, the individual's parents contacted Mr. Roselli. Mr. Roselli advised me that he could only remember the victim's first name being [REDACTED] and the last name being an Italian one. Mr. Roselli stated that he was advised that the victim had begun to develop some problems when he was in high school and was taken by his family to Catholic Family Services for counseling. At Catholic Family Services, which was then located somewhere near Las Olas Boulevard in Fort Lauderdale, the victim encountered Father Doherty. Father Doherty took the victim to other priests, and during these encounters he was supplied with alcohol and drugs. During the course of these encounters, Father Doherty molested the victim.

Mr. Roselli further advised me that the sexual abuse occurred approximately seventeen years prior to his being contacted in or about 1994. Mr. Roselli stated that he conducted no investigation of the allegation because of statute of limitations problems. He said that he contacted the Archdiocese and relayed the complaint to them, and ultimately received a fifty thousand dollar (\$50,000.00) settlement from the Archdiocese. Mr. Roselli stated that the money was obtained in order to secure counseling for the victim. I requested that Mr. Roselli contact the victim or his parents, or provide us with some contact information for the victim, in order to

initiate a criminal investigation of the allegation. Mr. Roselli subsequently called and left a message that he was unable to contact those clients.

In a letter dated June 25, 2002, I asked Detective Don Scarbrough of the Broward County Sheriff's Office to initiate an investigation of the allegation. On January 7, 2003, Detective Scarbrough mailed a letter to Mr. Roselli requesting contact information to assist in locating and interviewing the victim. The letter was received by Mr. Roselli on January 9, 2003, and as of May 14, 2003, Detective Scarbrough had received no response from Mr. Roselli. Because Detective Scarbrough was unable to obtain any information concerning the identity and location of the victim, he closed his investigation pending receipt of further information.

To further the investigation, I was able to review and obtain a variety of items in the files of the Archdiocese of Miami pertaining to Father Doherty. The review of the Archdiocese files revealed an August 21, 1992, letter to Archbishop Edward McCarthy from the parents of [REDACTED]. The letter stated that their son had been given Quaaludes and raped by Father Doherty who was then the pastor of Saint Vincent's Parish in Margate. It claimed their son had been given drugs and raped while Father Doherty was at Saint Anthony's Parish in Fort Lauderdale and also working at Catholic Family Services, as well as a psychiatrist's office, on Las Olas Boulevard. They alleged that their son was profoundly depressed and an A student at Chaminade High School who had dropped out of school six weeks before graduation. They wrote that they called Catholic Family Services in order to secure help for him rather than taking him to a psychiatrist. They spoke to Father Doherty who advised them that he did not usually take adolescents but would make an exception for them. They met with Father Doherty at Saint Anthony's Rectory. They alleged that Father Doherty manipulated their son to leave their home, and further caused him to believe that he was homosexual. They stated that their son had led a normal heterosexual life with a promising future and was happy prior to the onset of the depression. The parents stated that they were desperate for help. They claimed to become suspicious because they received no bills for the "counseling" that they thought their son was receiving. They sent Father Doherty fifty dollars (\$50.00) out of a sense of debt on Christmas and several other occasions. They also stated that they became more suspicious of what was occurring because Father Doherty would come to their home at night wearing street clothes and pick up their son. The mother, who was a registered nurse, believed such to be unethical behavior.

They claimed that the first criminal episode occurred on the pretext that Father Doherty and their son were going to visit Father Doherty's mother in Palm Beach, and instead stayed in a motel together. They claimed that Father Doherty ordered their son to leave their home, and they had no contact with him for at least four years. They claim in their letter their son now lives "a hand to mouth existence" with a totally different personality and no plans or resources for the future. The mother stated that she taught nursing and that her husband retired after teaching for twenty-six years at Chaminade High School.

In response to the letter from the victim's parents, the Archdiocese referred the matter for further investigation to the Very Reverend Gerard T. LaCerra, the Chancellor of the Archdiocese, who contacted the parents and requested to meet with them. After an exchange of letters, a meeting was scheduled.

Father LaCerra apparently requested records from Catholic Community Services: Broward Region pertaining to the victim or his parents, which request may have contained a misspelling of the last name. Catholic Community Services responded saying that it checked their files from 1975-1978 and had no records under those names, but that the records from that time period had been destroyed after six years.

A memorandum indicated that Father LaCerra spoke to Father Doherty about the allegations, and Father Doherty volunteered to undergo a mental health evaluation. It was arranged that Father Doherty would be evaluated by a mental health program in Connecticut. A letter sent by Father LaCerra to the Connecticut program acknowledged two previous allegations of sexual impropriety by Father Doherty of which the Archdiocese was aware.

Father Doherty was evaluated by the program on October 22 and 23, 1992. The report of that evaluation reflects that Father Doherty denied all of the abuse allegations. He claimed the first incident did not occur. Father Doherty asserted that the allegation of the second incident was instigated by a nun who was romantically attracted to him whose affection he did not return. As to the complaints lodged by the [REDACTED] Father Doherty called them "unbelievable" and denied going to the [REDACTED] home, giving the victim drugs, or raping him. The psychological testing showed that Father Doherty was deeply defensive about admitting psychological problems, and that he manifested impulsive behavior, bad judgment, and emotional disruption which were likely to manifest themselves in stressful situations. He showed evidence of having strong narcissistic tendencies with rationalization, denial, and a sense of entitlement. The evaluation found that Father Doherty's psychological status made it likely that he would use people to satisfy his immediate needs, and raised a concern that his psychological status undermined his denials of sexual abuse. The evaluator recommended a temporary suspension of Father Doherty from his duties pending further investigation of the allegations.

On October 30, 1992, Father LaCerra met with the victim's parents, Mr. Roselli, and the Archdiocese attorney. Father LaCerra's memorandum concerning the meeting stated that Mr. Roselli did most of the speaking, and that his presentation was "well rehearsed". Father LaCerra claimed that the Archdiocese was concerned for those who are suffering and was interested in helping people, but needed background information. The memorandum recites that the victim was then thirty-three years old and that the family contacted the Catholic Service Bureau of Broward when the victim was seventeen. They met Father Doherty in the fall of 1978, and in December their son quit high school. They stated that he moved out the following February and had no further contact with him for five years. The victim only recently mentioned the sexual abuse to his parents and gave them permission to discuss it. The disclosure occurred because of national publicity concerning sexual abuse by priests. The victim's representatives were comforted in knowing that he was not alone. They asserted that the victim was still living hand to mouth and had been unable to restore stability to his life. They believed that this was directly related to what Father Doherty had done to the victim during the four months that the victim was entwined with him. Father LaCerra wrote that when they asked what the Archdiocese could do to help, Mr. Roselli responded with threats of legal action. Mr. Roselli believed there should be counseling for the victim, a provision made for his education, and possibly a trust for his lost income. Mr. Roselli also stated that the victim's parents should be reimbursed for their time, costs, and trauma involved in searching for him during the five year period that he was away

from home. Father LaCerra stated that he did not respond directly to these demands by Mr. Roselli, but did disclose that Father Doherty had recently been psychiatrically evaluated in response to the victim's parents' letter. Father LaCerra asked if the victim would be receptive to a psychiatric evaluation and counseling, and the parents responded that they believed he would. Father LaCerra asked if the victim would be willing to relocate from [REDACTED] and the parents stated that they were not sure. The Archdiocese attorneys suggested it would be advantageous if the whole family participated in counseling. The family believed that this may be premature, and they discussed whether the victim would be able to meet with Father LaCerra. They spoke about contacting the victim to ask him, and discussed plans to further the negotiations between the parents and the Archdiocese.

Father LaCerra thereafter asked Father Doherty to make an appointment with a psychiatrist in Hollywood. Father Doherty agreed to meet with him, but also asked that the Connecticut program evaluation be sent to another doctor of his selection with whom he had some type of relationship. It should also be noted that the doctor selected by Father Doherty had an office on East Las Olas Boulevard.

The Archdiocese files contained a page of handwritten, somewhat difficult to read notes of a conference between Father Doherty and an unidentified individual who I assume was Father LaCerra. The decipherable notes indicate that Father Doherty did not remember [REDACTED] He believed that the evaluator, who I assume was the one from the Connecticut program, "had a preconceived profile" of him.

A letter in the file from Father LaCerra to the director of the Connecticut program reflects what Father LaCerra claimed was confusion concerning the program's recommendations. One of the concerns generated by the "confusion" of Father LaCerra was that the report of the program would make the Archdiocese appear negligent for not removing Father Doherty from his pastoral assignment. Father LaCerra also, for some reason, wrote that the victim had not agreed to an evaluation without explaining why the victim's agreement to an evaluation was in any way connected to the recommendation that Father Doherty undergo an evaluation or counseling.

The director of the consultation service at the program responded to Father LaCerra's letter concerning his "confusion." In the letter, the director indicated that Father Doherty had admitted to "several sexual indiscretions with adults" during the time frame encompassed in the complaints that he had sexually abused adolescents in the 1970s. The letter went on to state that the program recommended treatment with a particular local psychiatrist because of concerns about Father Doherty's psychological profile.

Upon receiving the letter from the program, Father LaCerra forwarded it to the Archbishop with a cover memorandum. The memorandum reflected that neither the Archdiocese attorney nor Father LaCerra "gave much credence to the parents story". He also mentioned that the victim's family has not responded to his offer of evaluation and counseling for the victim.

Subsequently, Father LaCerra sent a letter to the local psychiatrist who was supposed to be treating Father Doherty. In the letter Father LaCerra said that the parents asserted that the victim was seventeen years old at the time they claimed the crimes occurred which would have placed

the events in the fall of 1978. The letter states that the parents claimed they were assigned to Father Doherty through Catholic Community Services of Broward County. They met with Father Doherty at his rectory, and he began exhibiting problematic counseling behavior by coming to their home to pick up the victim but never coming inside. Father LaCerra stated that the family held Father Doherty responsible for their son dropping out of school and failing to live up to their expectations. The letter also noted that the victim's father is a retired high school football coach. The letter alleged that Father LaCerra met with the victim on February 23, 1993, when he came from [REDACTED] for a meeting. Father LaCerra described the victim as an obviously "most disturbed and unhappy man." Father LaCerra asserted that there were variances between his account of the events and that of his parents. Father LaCerra noted those conflicts as being the parents claiming that the victim began counseling in October, whereas the victim said he began in July. Father LaCerra said that the parents placed the events in 1978, whereas the victim placed them in 1977. Father LaCerra further claimed that the parents maintained they only recently learned of the abuse, whereas the victim said that he told his parents when he first reestablished contact with them after several years of not being in contact with them. Father LaCerra stated that the victim's parents claimed that he had been a model student and a good athlete, whereas the victim maintained that he was using drugs and alcohol. The victim also stated that he suffered two concussions within a matter of weeks as a sophomore in high school and was thereafter unable to play sports. Father LaCerra wrote that the victim told him that "he had been experimenting in homosexual behavior." Father LaCerra stated that the victim maintained that Father Doherty had no contact with his family. Father LaCerra alleged that the parents claimed that Father Doherty would pick up the victim at their home, whereas the victim stated that all of the meetings were in Father Doherty's office. Father LaCerra went on to state that the victim impressed him as a "deeply disturbed young man". Father LaCerra claimed that the victim was "well rehearsed for the meeting by his attorney", but became extremely upset in discussing how unhappy he was. He stated that the victim acknowledged that his drug and alcohol use continued into his adult life. According to the victim, Father Doherty invited him to go to Lake Worth to visit his mother, and thereafter took him to a bar and gave him beer. Subsequently Father Doherty suggested they stay in a hotel where Father Doherty gave him more beer and two Quaaludes. They also smoked marijuana together. The victim stated that this intoxicated him and he laid on a bed when the sexual abuse occurred. Father LaCerra asserted that the victim offered three different and approximate dates when this occurred. Father LaCerra claimed that the significance of this was to have the event occur prior to the victim's eighteenth birthday. Father LaCerra also opined that he was surprised that the victim remained in counseling with Father Doherty for two months after the claimed sexual abuse. Father LaCerra stated that when he asked the victim why he remained in counseling, the victim responded that Father Doherty was "really helping him to cope with his parents." The victim said that during the counseling after the sexual abuse, it was a "non-issue and they didn't deal with it."

A March 8, 1993, letter in the file from the local psychiatrist who treated Father Doherty stated that Father Doherty's sexual history had been thoroughly examined and that Father Doherty had been celibate since 1981. The psychiatrist stated that Father Doherty's prior sexual experiences were always consensual, limited, and engendered by curiosity. He stated that Father Doherty was comfortable with his celibacy and loved his work as a priest. The psychiatrist asserted that he could not determine the validity of the accusation, but did wonder why Father Doherty was being targeted. He stated that Father Doherty repeatedly denied the allegations, and that without further

proof he could not recommend suspension of Father Doherty's privileges or assignment. He said that Father Doherty requested to continue therapy with him which he would oblige. He did not indicate why Father Doherty wished to continue psychotherapy with him.

A subsequent memorandum from Father LaCerra to the Archbishop stated that counsel for the victim's family contacted the Archdiocese's attorney and demanded two hundred fifty thousand dollars (\$250,000.00) for their son and a separate amount for the family's pain and suffering. Father LaCerra stated that he advised the Archdiocese counsel that he believed the Archdiocese was being generous in offering psychological counseling for the victim, and that he did not believe that the family had a case and was simply trying to obtain money.

A letter in the file from the local psychiatrist, with whom Father Doherty had some type of relationship, to the Archbishop stated that Father Doherty had been a patient of this briefly on two previous occasions. The psychologist wrote that Father Doherty had "become my valued acquaintance", but that he did not think that his objectivity was compromised by their relationship. He stated that he studied the evaluation by the Connecticut program and had interviewed Father Doherty in regard to its contents. He urged the Archdiocese to accept "Father Doherty's candid and forthright assertions of his innocence." He continued that he did not believe that Father Doherty was then, or had ever been, a risk to those in his ministerial care nor was there any solid evidence in the report to substantiate the likelihood that Father Doherty would reoffend in a similar matter. The psychiatrist saw no reason to remove Father Doherty from his pastoral duties.

The victim's parents sent a letter to Archbishop McCarthy complaining that they had received no assistance or compensation in response to their initial letter. They reiterated their claim of damages suffered by their son as a result of Father Doherty's misconduct. The parents raised the spectre of another publicized incident in which the Catholic Church refused to address allegations of molestation by the clergy. They advised the Archbishop that they had contacted the media and individuals involved in the governance of the Archdiocese.

In response, Father LaCerra wrote the parents stating his frustration that the Archdiocese had been unable to provide counseling for the victim because of his belief that the victim was "a deeply disturbed young man". He advised the parents that their attorney and counsel for the Archdiocese were still negotiating a resolution of the matter. He also advised them that Father Doherty underwent two separate mental health assessments, and asserted that "[n]either of these evaluations provide any personality indications or tendencies toward child or adolescent sexual abuse".

A subsequent letter from the victim's attorney to counsel for the Archdiocese included his assertion that they were unclear as to the position of the Archdiocese. He added that he had recommended to the parents that they not contact the press. He also referenced some letters that Father Doherty had sent to the victim.

Approximately one year after the aforesaid events, Father LaCerra returned a telephone call from the victim. Father LaCerra's memorandum of this conversation alleged that he had a rambling conversation with the victim who stated that he wanted to bring the matter to closure. The victim

stated that it was not he who initiated the complaint, but that his mother had. Father LaCerra stated that the victim asked him what he had been offered to resolve the matter other than counseling, and Father LaCerra said that the Archdiocese had not offered anything except counseling. Father LaCerra stated that he advised the victim that Father Doherty "had received two psychiatric evaluations" and that he does not meet the "profile of a child abuser." Father LaCerra wrote that the victim stated that his mother was a major problem that would burden him for the rest of his life. The memorandum stated that the victim was having difficulty holding a job, was in debt, and that he had pets who were like his children. He stated that his inability to retain a job was due to his fear of becoming close to other people. The victim stated that he was seeing a chiropractor because of tension that he was suffering, and that his earlier visit with Father LaCerra was the most stressful event of his life. The victim rejected the offer of counseling because counseling was what precipitated his problems. The victim was unable to offer any suggestions as to how to bring the matter to closure. The memorandum reflects that Father LaCerra then spoke with counsel for the Archdiocese and suggested they offer the victim \$25,000.00 for psychological counseling and allow him to choose his own mental health professional.

A subsequent memorandum from Father LaCerra to Archbishop McCarthy asserted that Father Doherty had consistently denied any wrongdoing, but that a "compounding factor" was the victim's father's prestige stemming from his being a successful football coach for Chaminade High School for an extended period of time. Father LaCerra persisted in his claim that the victim was "a deeply confused person who has obviously suffered a great deal". Father LaCerra proposed to Archbishop McCarthy that the matter be settled by the payment of \$50,000.00 to the victim's family for psychological counseling, and in exchange the family would provide "a written promise not to pursue any litigation in the future, disclose the situation or make and [sic] future claims". Father LaCerra stated that he recommended this resolution because it was consistent with the position of the Archdiocese from the inception to provide psychological counseling for the victim, the cost of litigation would be at least that amount, to avoid negative publicity for the Archdiocese if the complaint became public given the prominence of the victim's father, the cost of the care for the victim would exceed that amount, and that the proposed amount would be covered by insurance. This settlement was approved.

The Archdiocese files revealed two previous allegations of sexual misconduct by Father Doherty. One was lodged in April, 1979, alleging that an eighteen year old patient in the South Florida Mental Hospital had been sexually abused by Father Doherty after he had supplied drugs to the victim. Father Doherty denied knowledge of the victim or the situation, and there appeared to be no police reports, or records at Catholic Community Services, pertaining to that allegation.

The second was submitted on or about July 11, 1987, by a psychologist who advised the Archdiocese that a number of priests were homosexual and abusing children, one of whom was Father Doherty. The allegation was that Father Doherty was associated with a young male prostitute. A record indicates that the Archdiocese hired a private investigator to look into the allegation. The investigator interviewed the alleged male prostitute. According to their records, the young male denied engaging in any sexual activity with Father Doherty. There was an indication that Father Doherty periodically worked at a halfway house where he encountered youths such as the young male prostitute. Other young males interviewed by the private

investigator denied any sexual contact with Father Doherty, but did say that he helped them financially.

The undersigned Assistant State Attorney had received a report that an individual who lived in the Chicago, Illinois, area had been sexually abused by Father Doherty. A law enforcement investigation was unable to locate and contact that individual which resulted in that investigation being closed. Subsequently, a lawsuit was filed in the Circuit Court of the Seventeenth Judicial Circuit in which a "John Doe" individual sued a school and the Archdiocese alleging that Father Doherty had supplied drugs to him and sexually abused him. This matter was forwarded to the Broward County Sheriff's Office for investigation. The office of the attorney who filed the Complaint contacted the undersigned to say that the Plaintiff would be available to be interviewed by law enforcement. Detective Scarbrough contacted the individual and interviewed him, and learned that the individual was the same individual that he previously was unable to locate and contact. That investigation was reopened, and should be concluded shortly.

A review of the criminal statutes that would have been violated by Father Doherty if the allegations were true reveals that the statute of limitations has expired for the prosecutions of those crimes. As to the sexual abuse allegations, the highest possible crime committed by Father Doherty would have been a violation of Florida Statute 794.011(4)(e) (1979) which made it a crime to commit a sexual battery without the consent of a victim older than eleven but less than eighteen years when the offender was in a position of custodial or official authority over the victim and used that authority to coerce the victim to submit. That statute was a first degree felony. Florida Statute 784.03 (1979) is Battery which criminalizes any nonconsensual touching of a victim by a defendant and was a first degree misdemeanor. As for the supplying of controlled substances to the victim, Florida Statute 893.13(1)(c) (1979) made it a crime for a person over eighteen years to deliver a controlled substance to a person under the age of eighteen. That crime is a first degree or second degree felony according to which controlled substances were involved. A review of Florida Statute 775.15 (1979) indicates that the statute of limitations for a first degree felony is four years, three years for a second degree felony, and two years for a first degree misdemeanor. Given that the crimes allegedly occurred in 1978 or 1979, the statute of limitations has long since expired, and any prosecution would be time-barred. Accordingly, this case must be declined for prosecution because of the expiration of the statute of limitations.

However, the allegations in this case combined with the allegations in the recently filed lawsuit, the other two allegations of sexual abuse of a child, and the findings of the Connecticut program selected by the Archdiocese to evaluate Father Doherty raise serious concerns about Father Doherty. It is noteworthy that three of the allegations contain similar allegations of Father Doherty interacting with young males in a counseling context, providing drugs to them, and then sexually abusing them. Although the Archdiocese and its internal investigation initially asserted that Father Doherty appeared innocent of the allegations, it is noteworthy that it went from calling the accusations baseless to resolving the matter for a \$50,000.00 payout to the victim's family without the necessity of the filing of a lawsuit, and despite the possibility that the statute of limitations had expired for the filing of a civil lawsuit when the allegations were initially made.

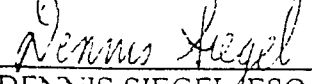
This investigation has also raised another troubling issue. The Archdiocese apparently conducted



some form of an internal investigation of these allegations without reporting the complaint to law enforcement or to what was then called the Department of Health and Rehabilitative Services (HRS). At the time that this matter was reported to the Archdiocese, Florida Statute 415.504(1) (1993) required any person who knew, or had reasonable cause to suspect, that a child had been abused or neglected to report such knowledge or suspicion to the HRS Central Abuse Registry. Florida Statute 415.513 (1993) stated that anyone required by Florida Statute 415.504 to report known or suspected abuse or neglected of a child and who knowingly and willingly failed to do so committed a second degree misdemeanor. Florida Statute 775.15(2)(d) (1993) stated that the statute of limitations for a second degree misdemeanor was one year. Accordingly, no member of the Archdiocese, including Father LaCerra and the Archbishop, can be prosecuted for failing to report the known or suspected abuse or neglect of a child.

Given that Father LaCerra and the Archbishop were aware of the allegation made by the [REDACTED] family, were or should have been cognizant of the two previous allegations that Father Doherty had sexually abused a child, and considering the findings of the Connecticut program to which the Archdiocese had sent Father Doherty for evaluation, it is probable that Father LaCerra and the Archbishop could be considered criminally culpable for failing to report the abuse of the victim. However, because the statute of limitations has expired on this matter, no action can be taken by this Office.

By a separate letter to counsel for the Archdiocese, I will reemphasize what I have previously verbally advised him that this Office deems the mandated obligation to report child abuse very weighty, and we will not hesitate to prosecute anyone who fails to comply with the law governing the obligation of individuals, including members of religious institutions, to report known or suspected child abuse or neglect if there is reasonable cause to suspect such. Investigations of these matters should be conducted by disinterested and professional investigators, and not by clerics untrained in criminal investigations who are affiliated with the same religious entity which employs the alleged offenders.

  
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DENNIS SIEGEL, ESQ.  
Assistant State Attorney In Charge

DS Jg 10-02-01